

CURTIS G. OLER (Bar No. 63689)
LAW OFFICES OF CURTIS G. OLER
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Attorney for Plaintiff
CLARISE JOY STEMLEY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA
UNLIMITED JURISDICTION

CLARISE JOY STEMLEY,)	NO.3:08-CV-02040-THE
)	
Plaintiff,)	DECLARATION OF CURTIS G. OLER IN
)	RESPONSE TO COURT'S ORDER TO
vs.)	SHOW CAUSE
)	
AMERICA WEST AIRLINES, INC.;)	
US AIRWAYS, INC.; and)	
DOES 1 THROUGH 25,)	
)	
Defendants.)	

I, CURTIS G. OLER, depose and say:

1. I am an attorney at law authorized to practice before the above entitled court and all Courts of the State of California and am the attorney for Plaintiff herein.

2. At case management conference herein on July 28, 2008, at 1:30 P.M., this court continued same to October 6, 2008 at 1:30 P.M., and issued an Order to Show Cause re: Plaintiff's undersigned counsel's failure to attend appear at same.

3. On late Tuesday evening, July 29, 2008, said minute order and the voice mail left by the Courtroom deputy left on Monday afternoon were retrieved by this office.

4. Unfortunately and regrettably for reasons still not yet clarified, I was provided with an

1 appearance calendar which did not reflect said case management conference herein set for July
2 28, 2008, at 1:30 P.M., but left my calendar open for consultations outside the area on both
3 Monday and Tuesday.

4 5. I was shocked that I had inadvertently failed to appear at said case management
5 conference and hereby inform this court that to the best of my recollection, I have never failed to
6 appear at a proceeding set by any court without prior adequate notice to the court of an
7 unavoidable inability to appear at said proceeding during my more than 50 years of practice.

8 6. I sincerely apologize to this court and to opposing counsel for my unintentional failure
9 to appear at said case management conference and any inconvenience or disruption caused
10 thereby. This court is assured that there will be no reoccurrence of this nature.

11 7. Accordingly, I respectfully request that this court withdraw its pending order to show
12 cause.

13 I declare under penalty of perjury of the laws of the State of California that I have
14 personal knowledge of the above, which is true and correct, and if called upon to do so, could
15 and would competently testify thereto.

16 Executed July 30th, 2008, in Francisco, California.

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20 CURTIS G. OLER
Attorney for Plaintiff

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Decl of Curtis G. Oler In Res to OSC